

REMARKS

Claims 1-26 are erroneously listed as pending in the application, which claims are supposedly subject to restriction under 35 U.S.C. §121.

Reconsideration and withdrawal of the restriction requirement set forth in the Office Action mailed August 19, 2008 are requested.

DISCUSSION

In the Office Action mailed August 19, 2008, the Examiner required restriction under 35 U.S.C. §121 as follows:

Group I: claims 1, 2 and 7-26, supposedly drawn to compounds or compositions of formula (I), wherein A is N and D is C-R³, classified in class 544, subclass various;

Group II: claims 1 and 2, supposedly drawn to compounds or compositions of formula (I), wherein A is C-R³ and D is N, classified in class 544, subclass various;

Group III: claims 1 and 2, supposedly drawn to compounds or compositions of formula (I), wherein A and D are C-R³, classified in class 544, subclass various;

Group IV: a method of treating neoplasms, supposedly using a compound of claim 1 or composition of claim 2, according to claim 3, classified in class 514, subclass various; and

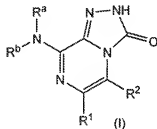
Group V: a method of treating cancer, supposedly using a compound of claim 1 or composition of claim 2, according to claims 4-6, classified in class 514, subclass various.

REMARKS

At this time, Applicant is unable to make a proper provisional election of claims for prosecution because the

claims actually filed in U.S. Serial No. 10/575,395 (Attorney Docket No. PC026073A), bear no relationship whatsoever with the compounds alleged to be the subject of the restriction requirement in the Office Action mailed August 19, 2008.

U.S. Serial No. 10/575,395, as filed, contains claims 1-12, not 1-26, as was erroneously alleged in the Office Action Summary section of the Office Action mailed August 19, 2008. The instantly filed claims are directed to, *inter alia*, the 2H-[1,2,4]triazolo[4,3-a]pyrazine-1-one compounds of formula (I) depicted below.




No compounds comprising a 1,2-dihydropyrrolo[1,2-a]pyrimidine or 1,2-dihydroimidazo[1,5-a]pyrimidine core are either disclosed or claimed as was incorrectly alleged on page 3 of the Office Action mailed August 19, 2008. Further, as may be plainly observed, the instantly claimed compounds of formula (I) incorporate no variables denoted "A", "D", or "C-R³" as was also erroneously alleged on page 2 of the Office Action mailed August 19, 2008. Still further, instant claim 2 of U.S. Serial No. 10/575,395 is not a composition claim as was erroneously alleged on page 2 of the Office Action mailed August 19, 2008. Further still, instant claim 3 of U.S. Serial No. 10/575,395 is not directed to a method of treating neoplasms as was erroneously alleged on page 2 of the Office Action mailed August 19, 2008. Finally, instant claims 4-6 of U.S. Serial No. 10/575,395 are not directed to methods of treating cancer

as was erroneously alleged on page 2 of the Office Action mailed August 19, 2008.

In view of the foregoing errors, Applicant requests reconsideration and withdrawal of the restriction requirement set forth in the Office Action mailed August 19, 2008.

Respectfully submitted,

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